

CARLA A. McCAULEY (State Bar No. 223910)
 carlamccauley@dwt.com
 DAVIS WRIGHT TREMAINE LLP
 865 South Figueroa Street, 24th Floor
 Los Angeles, California 90017-2566
 Tel.: (213) 633-6800 Fax: (213) 633-6899

ROBERT D. BALIN (*pro hac vice*)
 robbalin@dwt.com
 LACY H. KOONCE, III (*pro hac vice*)
 lancekoonce@dwt.com
 SAMUEL BAYARD (*pro hac vice*)
 samuelbayard@dwt.com
 GEORGE WUKOSON (*pro hac vice*)
 georgewukoson@dwt.com
 DAVIS WRIGHT TREMAINE LLP
 1633 Broadway
 New York, New York 10019
 Tel.: (212) 489-8230 Fax: (212) 489-8340
 ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

CHINA CENTRAL TELEVISION, a China
 company; CHINA INTERNATIONAL
 COMMUNICATIONS CO., LTD., a China
 company; TVB HOLDINGS (USA), INC., a
 California corporation; and DISH
 NETWORK L.L.C., a Colorado corporation,
 Plaintiffs,

vs.

CREATE NEW TECHNOLOGY (HK)
 LIMITED, a Hong Kong company; HUA
 YANG INTERNATIONAL TECHNOLOGY
 LIMITED, a Hong Kong company;
 SHENZHEN GREATVISION NETWORK
 TECHNOLOGY CO. LTD., a China
 company; CLUB TVPAD, INC., a California
 corporation; BENNETT WONG, an
 individual, ASHA MEDIA GROUP INC.
 d/b/a TVPAD.COM, a Florida corporation;
 AMIT BHALLA, an individual;
 NEWTVPAD LTD. COMPANY d/b/a
 NEWTVPAD.COM a/k/a TVPAD USA, a
 Texas corporation; LIANGZHONG ZHOU,
 an individual; HONGHUI CHEN d/b/a E-
 DIGITAL, an individual; JOHN DOE 1 d/b/a
 BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN
 DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV;
 JOHN DOE 5 d/b/a GANG YUE; JOHN
 DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7
 d/b/a GANG TAI WU XIA; and JOHN DOES
 8-10,

Defendants.

Case No.

CV 15-1869 MMM (AJWx)

**EX PARTE APPLICATION
 FOR EXTENSION OF
 DEADLINE TO FILE MOTION
 FOR DEFAULT JUDGMENT;
 DECLARATION OF CARLA
 A. McCAULEY AND
 EXHIBITS A THROUGH C**

Courtroom: 780

Judge: Hon. Margaret M.
 Morrow

[Proposed Order concurrently
 submitted]

Complaint Filed: March 13, 2015

1 **PLEASE TAKE NOTICE** that pursuant to Local Rule 7-19, Plaintiffs China
 2 Central Television, China International Communications Co., Ltd., TVB Holdings
 3 (USA), Inc., and DISH Network L.L.C. (collectively “Plaintiffs”) hereby apply *ex*
 4 *parte* for issuance of an Order extending the deadline for Plaintiffs to file their
 5 motion for default judgment against Defendants Create New Technology (HK)
 6 Limited and Hua Yang International Technology Limited (collectively the “CNT
 7 Group Defendants”) by 60 days, up to and including September 4, 2015, to permit
 8 Plaintiffs to complete limited third-party discovery necessary for Plaintiffs’ motion
 9 for default judgment.

10 Good cause exists to grant this Ex Parte Application because the discovery
 11 Plaintiffs seek is necessary to show the extent of damages Plaintiffs have sustained
 12 through the actions of the CNT Group Defendants and to support Plaintiffs’ request
 13 for damages in their motion for default judgment. If Plaintiffs are forced to file their
 14 motion for default judgment against the CNT Group Defendants by July 6, 2015,
 15 pursuant to the current schedule set by the Court, Defendants would not be able to
 16 obtain the discovery they seek in time. Thus, without the requested relief, Plaintiffs
 17 may not be able to set forth the full basis for their claim for damages in their motion
 18 for default judgment as to the CNT Group Defendants because they may not be able
 19 to introduce the necessary documents in support of their motion.

20 Plaintiffs have contacted all Defendants that have appeared in this action
 21 (excluding CNT, which appeared but has now defaulted) and those Defendants have
 22 stipulated pursuant to Rule 26(d)(1) to permit Plaintiffs to conduct the third-party
 23 discovery described in this Ex Parte Application before the parties conduct their Rule
 24 26(f) meeting of counsel, as set forth in the accompanying declaration of Carla A.
 25 McCauley at Paragraph 4. Plaintiffs have also contacted all Defendants that have
 26 appeared in this action to give notice of the instant Ex Parte pursuant to Local Rule
 27 7-19. *See* McCauley Decl. ¶ 8, Ex. C. None of Defendants have indicated they will
 28 oppose this Ex Parte after receiving notice. *See* McCauley Decl. ¶ 8. Because the

1 remaining defendants that have been served are in default, Plaintiffs need not contact
2 them about this application.

3 This Application is based upon the attached Memorandum of Points and
4 Authorities, the Declaration of Carla A. McCauley and accompanying exhibits, the
5 pleadings and files in this action, and such other argument and evidence as may be
6 presented at any hearing on the Application.

7
8 DATED: June 16, 2015

DAVIS WRIGHT TREMAINE LLP
CARLA A. McCAULEY
ROBERT D. BALIN (*pro hac vice*)
LACY H. KOONCE, III (*pro hac vice*)
SAMUEL BAYARD (*pro hac vice*)
GEORGE WUKOSON (*pro hac vice*)

11
12
13 By: /s Carla A. McCauley
Carla A. McCauley

14
15 Attorneys for Plaintiffs
CHINA CENTRAL TELEVISION; CHINA
16 INTERNATIONAL COMMUNICATIONS CO.,
LTD.; TVB HOLDINGS (USA), INC.; AND
17 DISH NETWORK L.L.C.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND STATEMENT OF RELEVANT FACTS

On March 13, 2015, Plaintiffs filed their Complaint in this action for copyright and trademark infringement based upon Defendants' operation of a pirate broadcasting network that perpetrates and facilitates copyright infringement on a massive scale. This pirate network streams entire CCTV and TVB television channels over the Internet to U.S. users of the "TVpad" set-top box, 24 hours a day and seven days a week. CNT and its affiliates accomplish this piracy in part through a peer-to-peer network—like Napster, Grokster, and BitTorrent—through which TVpad users not only receive unauthorized foreign programming in the U.S., but retransmit it to large numbers of other TVpad users.

As of the date of this Ex Parte, Plaintiffs have served all but one of the named Defendants.¹ On May 28, 2015, the Court entered default against Defendants Create New Technology (HK) Limited and Hua Yang International Technology Limited (collectively the "CNT Group Defendants"). (Dkt. No. 88.) On May 29, 2015, the Court, *sua sponte*, issued an Order directing Plaintiffs to file their application for default judgment as to the CNT Group Defendants by July 6, 2015. (Dkt. No. 89.)

Through this Ex Parte Application, Plaintiffs seek a short 60-day extension within which to gather evidence supporting their claim for damages against the CNT Group Defendants. Plaintiffs will be serving subpoenas pursuant to Federal Rule of Civil Procedure 45 on several third parties with information relevant to Plaintiffs' claim for damages against the CNT Group Defendants. The extension of time to file a default judgment motion is necessary because the current deadline set for Plaintiffs to file a motion for default judgment would not provide sufficient time for these third

¹ Defendant Shenzhen Greatvision Network Technology Co. Ltd. is based in mainland China and subject to Hague Convention service protocols; Plaintiffs have initiated service through the Hague Convention, but service has not yet been completed.

1 parties to respond to Plaintiffs' subpoenas sufficiently in advance of the July 6, 2015
 2 deadline to allow Plaintiffs to include in the motion evidence Plaintiffs anticipate
 3 receiving from the subpoenaed third parties. McCauley Decl. ¶¶6-7.

4 As of June 15, 2015, all parties that have appeared in this action have agreed to
 5 stipulate to permit Plaintiffs to obtain this discovery prior to the parties' required
 6 conference of counsel, pursuant to F.R.C.P. 26(d). In addition, none of the
 7 Defendants that have appeared object to Plaintiffs' request for additional time within
 8 which to file their motion for default judgment against the CNT Group Defendants.
 9 McCauley Decl. ¶ 8.

10 II. ARGUMENT

11 This Court has held that *ex parte* relief is appropriate if:

12 (1) the moving party's cause will be irreparably prejudiced if the underlying
 13 motion is heard according to regular noticed motion procedures; and

14 (2) the moving party is without fault in creating the crisis that requires *ex parte*
 15 relief, or that the crisis occurred as a result of excusable neglect.

16 *See Mission Power Eng'g. Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 495 (C.D.
 17 Cal. 1995). Plaintiffs meet both tests.

18 First, this Application seeks only a modest extension of time for Plaintiffs to
 19 file their default judgment motion against the CNT Group Defendants. This
 20 extension is necessary to enable Plaintiffs to take limited third-party discovery in
 21 support of their claim for copyright and trademark damages. Although Plaintiffs are
 22 likely to elect to seek statutory damages against the CNT Group Defendants, given
 23 their inability to seek discovery of the defaulting CNT Group Defendants, under
 24 Ninth Circuit precedent courts look to, *inter alia*, the level of sales of infringers in
 25 order to help determine the appropriate level of statutory damages. *See, e.g., Rovio*
 26 *Entertainment Ltd. v. Royal Plus Toys, Inc.*, C 12-05543 SBA (LB), 2013 U.S. Dist.
 27 LEXIS 186296 *25-26 (N.D. Cal. 2013) (holding \$700,000 in statutory damages for
 28 infringement of 7 copyrights bore plausible relationship to actual damages in light of

evidence defendant imported of tens of thousands of infringing plush toys and had \$350,000 in sales from May 2012 through January 2013); *Craigslist, Inc. v. Kerbel*, 2012 U.S. Dist. LEXIS 108573 *51 (N.D. Cal. Aug. 2, 2012) (holding third-party discovery of defendant's gross sales substantiated damages for Lanham Act violation following default by defendant). Here, Plaintiffs will seek discovery of, for example, records from third parties that have assisted the CNT Group Defendants in distributing content in the United States, such as CNT's warehouse facility in California. Without the requested extension, Plaintiffs' cause would be irreparably prejudiced because they would be forced to file their motion for default judgment without the documents and information they believe necessary to support their claim for damages against the CNT Group Defendants, leading to entry of a default judgment without the necessary and rightful damages award.

The current July 6, 2015, deadline set for Plaintiffs to file their default judgment motion against the CNT Group Defendants does not afford Plaintiffs sufficient time to conduct this necessary discovery. Plaintiffs anticipate being able to serve subpoenas on the third parties in question the week of June 15, with return dates set for production of documents within 10 to 20 days thereafter. *See* McCauley Decl. ¶ 5. Plaintiffs were unable to serve discovery earlier because the parties who have appeared in the action had not yet had the chance to have their Rule 26(f) conference of counsel. *See* F.R.C.P. 26(d). The parties have not conducted their Rule 26(f) conference of counsel, in part because the Scheduling Conference in this case is not until August 31, 2015. (Dkt. No. 81.) *See* McCauley Decl. ¶ 4. However, Plaintiffs and all Defendants that have appeared in this action have now agreed to stipulate to permit Plaintiffs to proceed with the limited third-party discovery Plaintiffs felt necessary to support their claim for damages in their motion for default judgment, pursuant to Rule 26(d)(1). *See* McCauley Decl. ¶ 4. That stipulation was signed by all Defendants by June 15, 2015. *See* McCauley Decl. ¶ 4 and Ex. A.

1 Plaintiffs could not have sought relief through regularly noticed motion
 2 because the July 6, 2015, deadline for filing their motion for default judgment is less
 3 than 28 days from the date of this Application. *See* Local Rule 6-1. Moreover, even
 4 had Plaintiffs sought to notice a motion immediately after receiving the Court's May
 5 29, 2015 Order setting the deadline for filing their motion for default judgment, they
 6 would not have been able to schedule a hearing for any date before July 6, 2015.
 7 This is because they would not have been able to meet and confer with defendants
 8 seven days prior to filing the motion, as required by Local Rule 7-3, and because the
 9 Court's calendar did not list an available hearing date for a noticed motion prior to
 10 July 6, 2015. *See* Declaration of Carla McCauley ¶¶ 6-7.

11 Second, Plaintiffs are without fault in creating this emergency. One day after
 12 entering default against the CNT Group Defendants, on May 29, 2015, the Court, *sua*
 13 *sponte*, set the deadline for Plaintiffs to file their default judgment motion against the
 14 CNT Group Defendants for July 6, 2015. (Dkt. No. 89.); McCauley Decl. ¶ 3. As
 15 already set forth above, Plaintiffs would not have been able to proceed through
 16 regularly noticed motion at that time because they would not have been able to
 17 conduct the required Local Rule 7-3 meet and confer, and because the Court's
 18 calendar did not list an available hearing date for a noticed motion prior to July 6,
 19 2015.

20 ///

21 ///

III. CONCLUSION

For all the reasons stated above, Plaintiffs respectfully request that the Court grant their Ex Parte Application and extend the deadline for Plaintiffs to file a motion for default judgment as to the CNT Group Defendants by 45 days, up to and including August 20, 2015.

DATED: June 16, 2015

DAVIS WRIGHT TREMAINE LLP
CARLA A. McCAULEY
ROBERT D. BALIN (*pro hac vice*)
LACY H. KOONCE, III (*pro hac vice*)
SAMUEL BAYARD (*pro hac vice*)
GEORGE WUKOSON (*pro hac vice*)

By: /s/ Carla A. McCauley
Carla A. McCauley

Attorneys for Plaintiffs
CHINA CENTRAL TELEVISION; CHINA
INTERNATIONAL COMMUNICATIONS CO.,
LTD.; TVB HOLDINGS (USA), INC.; AND
DISH NETWORK L.L.C.

DECLARATON OF CARLA A. MCCAULEY

DECLARATION OF CARLA A. MCCAULEY

I, Carla A. McCauley, declare as follows:

1. I am licensed to practice law before all the courts in the State of California and am admitted to the United States Court of Appeals for the Ninth Circuit. I am a partner at Davis Wright Tremaine LLP, counsel for Plaintiffs in the above-entitled matter. I submit this Declaration in support of Plaintiffs' Ex Parte Application for an extension of time to file their default judgment motion as to Defendants Create New Technology (HK) Limited ("CNT") and Hua Yang International Technology Limited ("HYIT") (collectively the "CNT Group Defendants"). I have personal knowledge of the facts contained herein, and, if called upon as a witness, I could and would testify competently about these facts, except for those matters stated expressly upon information and belief, which matters are believed to be true.

2. On April 27, 2015, I caused to be filed the Request for Default as to HYIT, and on May 1, 2015, I caused to be filed the Request for Default as to CNT.

3. The Clerk entered Plaintiffs' Request for Default as to the CNT Group Defendants on May 28, 2015. On May 29, 2015, the Court ordered Plaintiffs to file their Motion for Default Judgment not later than July 6, 2015.

4. The Scheduling Conference in this action is not set until August 31, 2015. Plaintiffs have not yet been able to engage in third party discovery that would support their motion for default judgment because those parties remaining in this action have not yet held their Rule 26(f) conference. Consequently, Plaintiffs requested that all of the served Defendants who have made an appearance in this action, and who have not defaulted, stipulate that Plaintiffs may conduct discovery of third parties relevant to Plaintiffs' motion for default judgment prior to completion of the Rule 26(f) conference. Defendants stipulated to Plaintiffs request for early discovery by June 15, 2015. A true and correct copy of the Stipulation is attached hereto as **Exhibit A**.

5. Plaintiffs anticipate serving approximately 4 to 6 subpoenas on third parties to seek discovery in the form of document production and depositions, as required, to substantiate Plaintiffs' request for damages in its default judgment motion against the CNT Group Defendants. This discovery will seek to determine the number of shipments made by the CNT Group Defendants of TVpads into the United States, the CNT Group Defendants' gross sales in the United States, and the scope of the CNT Group Defendants' user base in the United States. This evidence is critical to Plaintiffs' showing of the damages Plaintiffs intend to request in their default judgment motion. Plaintiffs anticipate serving these subpoenas during the week of June 15, 2015, with the return dates set for production of documents and any necessary depositions within 10 to 20 days thereafter.

6. Plaintiffs could not have sought the relief requested through the instant Ex Parte through regularly noticed motion because the July 6, 2015 deadline for filing their motion for default judgment is less than 28 days from the date of this Application. Even had Plaintiffs sought to notice a motion immediately after receiving the Court's May 29, 2015 Order setting the deadline for filing their motion for default judgment, they would not have been able to schedule a hearing for any date before July 6, 2015.

7. First, there was insufficient time to both meet and confer pursuant to Local Rule 7-3 sufficiently in advance of filing a regularly noticed motion, and still be able to set any motion for hearing preceding the July 6, 2015 deadline. Second, the Court's motion calendar had no available hearing dates for a noticed motion prior to July 6, 2015 at the time the Court issued its order directing Plaintiffs to file their default judgment motion. Attached hereto as **Exhibit B** is a true and correct copy of the Court's closed motion dates that I accessed and printed from the Internet on June 11, 2015, and which shows that the first available hearing date as of May 29, 2015 when the Court issued its order was August 3, 2015—a month after the deadline for Plaintiffs to file their motion for default judgment.

EXHIBIT A

CARLA A. McCAULEY (State Bar No. 223910
 carlamccauley@dwt.com
 DAVIS WRIGHT TREMAINE LLP
 865 South Figueroa Street, 24th Floor
 Los Angeles, California 90017-2566
 Tel.: (213) 633-6800 Fax: (213) 633-6899

ROBERT D. BALIN (*pro hac vice*)
 robbalin@dwt.com
 LACY H. KOONCE, III (*pro hac vice*)
 lancekoonce@dwt.com
 SAMUEL BAYARD (*pro hac vice*)
 samuelbayard@dwt.com
 GEORGE WUKOSON (*pro hac vice*)
 georgewukoson@dwt.com

DAVIS WRIGHT TREMAINE LLP
 1633 Broadway
 New York, New York 10019
 Tel.: (212) 489-8230 Fax: (212) 489-8340
 ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

CHINA CENTRAL TELEVISION, a China
 company; CHINA INTERNATIONAL
 COMMUNICATIONS CO., LTD., a China
 company; TVB HOLDINGS (USA), INC., a
 California corporation; and DISH
 NETWORK L.L.C., a Colorado corporation,
 Plaintiffs,

vs.

CREATE NEW TECHNOLOGY (HK)
 LIMITED, a Hong Kong company; HUA
 YANG INTERNATIONAL TECHNOLOGY
 LIMITED, a Hong Kong company;
 SHENZHEN GREATVISION NETWORK
 TECHNOLOGY CO. LTD., a China
 company; CLUB TVPAD, INC., a California
 corporation; BENNETT WONG, an
 individual, ASHA MEDIA GROUP INC.
 d/b/a TVPAD.COM, a Florida corporation;
 AMIT BHALLA, an individual;
 NEWTVPAD LTD. COMPANY d/b/a
 NEWTVPAD.COM a/k/a TVPAD USA, a
 Texas corporation; LIANGZHONG ZHOU,
 an individual; HONGHUI CHEN d/b/a E-
 DIGITAL, an individual; JOHN DOE 1 d/b/a
 BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN
 DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV;
 JOHN DOE 5 d/b/a GANG YUE; JOHN
 DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7
 d/b/a GANG TAI WU XIA; and JOHN DOES
 8-10,

Defendants.

Case No.
CV 15-1869 MMM (AJWx)

**STIPULATION REGARDING
 COMMENCEMENT OF
 THIRD PARTY DISCOVERY
 PRIOR TO RULE 26(F)
 MEETING**

Courtroom: 780
 Judge: Hon. Margaret M. Morrow

Action Filed: March 13, 2015

1 This Stipulation is entered by and between Plaintiffs China Central Television,
2 China International Communications Co., Ltd., TVB Holdings (USA), Inc. and DISH
3 Network L.L.C. ("Plaintiffs") and Defendants Club TVpad, Inc. and Bennett Wong
4 ("Club TVpad Defendants"), Defendants newTVpad and Liangzhong Zhou
5 ("newTVpad Defendants"), Defendants Asha Media Group Inc. and Amit Bhalla
6 ("Asha Media Defendants") and Defendant Honghui Chen, (collectively,
7 "Defendants") through their respective counsel of record, with reference to the
8 following facts:

- 9 1. Plaintiffs filed the Complaint in this action on March 13, 2015.
- 10 2. The Court set the initial Scheduling Conference in this matter for
11 August 3, 2015;
- 12 3. The parties must meet and confer pursuant to Rule 26(f) not later than
13 21 days before the Scheduling Conference;
- 14 4. Pursuant to Rule 26(d)(1), a party may not seek discovery from any
15 source prior to completing the Rule 26(f) conference, unless otherwise provided by
16 stipulation of the parties;
- 17 5. Plaintiffs have been ordered by the Court to file a default judgment
18 motion as to two defaulted defendants, and wish to commence immediately
19 discovery solely upon third parties to the litigation in order to support that motion.

20 //

21 //

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that,
2 regardless of the date when they complete their early meeting pursuant to Rule 26(f),
3 Plaintiffs may commence discovery of non-parties to the litigation without further
4 delay and regardless of the timing of the Rule 26(f) conference of Plaintiffs and
5 Defendants.

6 DATED: June 11, 2015

DAVIS WRIGHT TREMAINE LLP
CARLA A. McCAULEY
ROBERT D. BALIN (*pro hac vice*)
LACY H. KOONCE, III (*pro hac vice*)
SAMUEL BAYARD (*pro hac vice*)
GEORGE WUKOSON (*pro hac vice*)

7
8
9
10 By: /s/ Carla A. McCauley
Carla A. McCauley

11
12 Attorneys for Plaintiffs
CHINA CENTRAL TELEVISION; CHINA
13 INTERNATIONAL COMMUNICATIONS CO.,
LTD.; TVB HOLDINGS (USA), INC.; AND
14 DISH NETWORK L.L.C.

15 DATED: June 15, 2015

RYU LAW FIRM

16
17 By: /s/ Francis S. Ryu
Francis S. Ryu

18 Attorneys for Defendants
19 ClubTVpad Inc. and Bennett Wong

20 DATED: June 15, 2015

NI, WANG & MASSAND, PLLC

21
22
23 By: /s/ Timothy Wang
Timothy Wang

24 Attorneys for Defendants
25 newTVpad Ltd. Company and Liangzhong Zhou
26
27
28

1 DATED: June __, 2015


LT PACIFIC LAW GROUP LLP

2
3 By: _____
Jen-Feng Lee

4 Attorneys for Defendant
5 Honghui Chen

6 DATED: June 12, 2015

TRAVERSE LEGAL, PLC

7
8 By:  _____
Mark Clark

9
10 Attorneys for Defendants
Asha Media Group Inc. and Amit Bhalla

EXHIBIT B

07/07/2015	Closed		12/15/2014 10:36:58 AM
07/14/2015	Closed		12/15/2014 10:42:15 AM
09/08/2015	Closed		05/20/2015 05:03:22 PM
▼ McDermott			
07/14/2015	Closed	Closed	03/27/2015 11:40:28 AM
▼ Morrow			
06/15/2015	Closed		03/31/2015 02:48:44 PM
06/22/2015	Closed		04/10/2015 02:37:53 PM
06/29/2015	Closed		04/24/2015 02:39:14 PM
07/06/2015	Closed		05/01/2015 10:38:58 AM
07/13/2015	Closed		05/12/2015 09:23:20 AM
07/20/2015	Closed		05/22/2015 08:17:03 AM
07/27/2015	Closed		05/28/2015 02:50:27 PM
08/03/2015	Closed		06/03/2015 02:57:08 PM
08/10/2015	Closed		02/12/2015 10:59:46 AM
08/17/2015	Closed		02/12/2015 10:59:46 AM
08/24/2015	Closed		02/12/2015 10:59:46 AM
09/07/2015	Closed	Closed	11/05/2014 01:22:21 PM
10/12/2015	Closed	Closed	11/05/2014 01:22:21 PM
11/30/2015	Closed		05/22/2015 08:22:32 AM
12/21/2015	Closed	Closed	11/05/2014 01:22:21 PM
12/28/2015	Closed	Closed	11/05/2014 01:22:21 PM
▼ Mumm			
07/14/2015	Closed		03/26/2015 08:25:09 AM
▼ O'Connell			
09/07/2015	Closed	Closed	11/05/2014 04:03:06 PM
10/12/2015	Closed	Closed	11/05/2014 04:03:06 PM
▼ Olguin			
06/18/2015	Closed	Closed	03/20/2015 03:25:20 PM
07/09/2015		Closed	03/31/2015 10:26:54 AM
07/23/2015	Closed	Closed	03/20/2015 03:30:31 PM
08/06/2015	Closed	Closed	03/20/2015 03:36:03 PM
08/20/2015	Closed	Closed	03/20/2015 03:36:03 PM
▼ Oliver			
07/01/2015	Closed	Closed	06/01/2015 04:57:32 PM
07/15/2015	Closed	Closed	06/01/2015 05:02:56 PM
08/05/2015	Closed	Closed	06/01/2015 05:02:56 PM
08/12/2015	Closed	Closed	06/01/2015 05:02:56 PM
11/11/2015	Closed	Closed	06/01/2015 05:02:56 PM
▼ Pregerson			

EXHIBIT C

McCauley, Carla

From: Jeff Lee <jflee@ltpacificlaw.com>
Sent: Tuesday, June 16, 2015 3:25 PM
To: Koonce, Lance
Cc: McCauley, Carla
Subject: RE: Ex Parte Motion to extend time

Lance,

I have no objection to the proposed extension of 60 days sought by Plaintiffs.
Best.

Jeff

From: Koonce, Lance [<mailto:lancekoonce@dwt.com>]
Sent: Tuesday, June 16, 2015 1:17 PM
To: Jeff Lee (jflee@ltpacificlaw.com)
Cc: McCauley, Carla
Subject: RE: Ex Parte Motion to extend time

Jeff:

Sorry, just a quick correction to the below – we will be seeking 60 days, not 45. Let me know ASAP if you oppose.

Best,

Lance

From: Koonce, Lance
Sent: Tuesday, June 16, 2015 1:33 PM
To: Jeff Lee (jflee@ltpacificlaw.com)
Cc: McCauley, Carla
Subject: Ex Parte Motion to extend time

Jeff:

Thank you for agreeing to Plaintiffs' proposed stipulation allowing Plaintiffs to conduct discovery of third parties prior to the Rule 26(f) meet and confer of the parties.

As you may be aware, the Court has ordered Plaintiffs to file a Motion for Default Judgment as to Defendants Create New Technology (HK) Limited and Hua Yang International Technology Limited not later than July 6, 2015. In light of Plaintiffs' need to take third party discovery prior to that deadline, we intend to file an ex parte application for an extension of time of the filing deadline by 45 days, or to August 20, 2015.

Please let us know if you intend to oppose Plaintiffs' ex parte for an extension of time of this deadline, or if you will not be opposing, so that we may advise the Court accordingly. Please note that if you wish to oppose the ex parte, oppositions must be filed within 24 hours of service of the ex parte according to Judge Morrow's procedures.

Thank you for your cooperation.

Regards,
Lance

Lance Koonce | Davis Wright Tremaine LLP

1633 Broadway, 27th Floor | New York, NY 10019

Tel: (212) 603-6467 | Fax: (212) 379-5207

Email: lancekoonce@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | **New York** | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

McCauley, Carla

From: Mark Clark <mark@traverselegal.com>
Sent: Tuesday, June 16, 2015 1:39 PM
To: Koonce, Lance
Cc: McCauley, Carla
Subject: Re: Ex parte motion to extend time

Ok with me

Mark Clark
Traverse Legal, PLC
mark@traverselegal.com
231-932-0411
1-866-936-7447

From: "Koonce, Lance" <lancekoonce@dwt.com>
Date: Tuesday, June 16, 2015 at 4:14 PM
To: Mark Clark <mark@traverselegal.com>
Cc: "McCauley, Carla" <CarlaMcCauley@dwt.com>
Subject: RE: Ex parte motion to extend time

Thanks, Mark. Actually, we are going to ask the court for a 60-day extension, not 45 days, just to make sure we have enough time to get responses to discovery.

Look forward to talking to you Thursday at 10am for our Rule 26f conference.

From: Mark Clark [<mailto:mark@traverselegal.com>]
Sent: Tuesday, June 16, 2015 2:03 PM
To: Koonce, Lance
Cc: McCauley, Carla
Subject: Re: Ex parte motion to extend time

Lance

We will not oppose your request for an extension and consent to same. Thanks.

Mark Clark
Traverse Legal, PLC
mark@traverselegal.com
231-932-0411
1-866-936-7447

From: "Koonce, Lance" <lancekoonce@dwt.com>
Date: Tuesday, June 16, 2015 at 1:32 PM
To: Mark Clark <mark@traverselegal.com>
Cc: "McCauley, Carla" <CarlaMcCauley@dwt.com>
Subject: Ex parte motion to extend time

Mark:

Thank you for agreeing to Plaintiffs' proposed stipulation allowing Plaintiffs to conduct discovery of third parties prior to the Rule 26(f) meet and confer of the parties.

As you may be aware, the Court has ordered Plaintiffs to file a Motion for Default Judgment as to Defendants Create New Technology (HK) Limited and Hua Yang International Technology Limited not later than July 6, 2015. In light of Plaintiffs' need to take third party discovery prior to that deadline, we intend to file an ex parte application for an extension of time of the filing deadline by 45 days, or to August 20, 2015.

Please let us know if you intend to oppose Plaintiffs' ex parte for an extension of time of this deadline, or if you will not be opposing, so that we may advise the Court accordingly. Please note that if you wish to oppose the ex parte, oppositions must be filed within 24 hours of service of the ex parte according to Judge Morrow's procedures.

Thank you for your cooperation.

Regards,
Lance

Lance Koonce | Davis Wright Tremain LLP
1633 Broadway, 27th Floor | New York, NY 10019
Tel: (212) 603-6467 | Fax: (212) 379-5207
Email: lancekoonce@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | **New York** | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

McCauley, Carla

From: Koonce, Lance
Sent: Tuesday, June 16, 2015 1:12 PM
To: Tim Wang
Cc: McCauley, Carla
Subject: RE: Ex parte motion to extend time

Thanks, Tim. Actually the email below should have said 60 days, not 45 – we'll likely file our motion sooner but want to give enough time to hear back from the subpoenas.

On the settlement, we came across the following listings today on Amazon, selling NewTVpad4s:

http://www.amazon.com/newTVpad4-A18-TV-Box-Based-Package/dp/B00Q9U5RN0/ref=cm_cr_pr_product_top?ie=UTF8
http://www.amazon.com/HTV2-Special-Edition-newTVpad4-Playback/dp/B00SS1VTN0/ref=pd_sim_504_1?ie=UTF8&refRID=0J3SBRB6HMF1HSF1K8F6

As you know, the NewTVpad4 device was a device specially branded by your client, which was sold at your client's website and otherwise. In our settlement, he is agreeing to stop selling all such devices. Please advise as to how/why these are still being sold, before our clients execute the settlement.

Lance

From: Tim Wang [<mailto:twang@nilawfirm.com>]
Sent: Tuesday, June 16, 2015 1:59 PM
To: Koonce, Lance
Cc: McCauley, Carla
Subject: Re: Ex parte motion to extend time

We do not oppose .

Sent from my iPhone

On Jun 16, 2015, at 12:34 PM, Koonce, Lance <lancekoonce@dwt.com> wrote:

Tim:

Thank you for agreeing to Plaintiffs' proposed stipulation allowing Plaintiffs to conduct discovery of third parties prior to the Rule 26(f) meet and confer of the parties.

As you may be aware, the Court has ordered Plaintiffs to file a Motion for Default Judgment as to Defendants Create New Technology (HK) Limited and Hua Yang International Technology Limited not later than July 6, 2015. In light of Plaintiffs' need to take third party discovery prior to that deadline, we intend to file an ex parte application for an extension of time of the filing deadline by 45 days, or to August 20, 2015.

Please let us know if you intend to oppose Plaintiffs' ex parte for an extension of time of this deadline, or if you will not be opposing, so that we may advise the Court accordingly. Please note that if you wish to oppose the ex parte, oppositions must be filed within 24 hours of service of the ex parte according to Judge Morrow's procedures.

Thank you for your cooperation.

Regards,

Lance

Lance Koonce | Davis Wright Tremaine LLP

1633 Broadway, 27th Floor | New York, NY 10019

Tel: (212) 603-6467 | Fax: (212) 379-5207

Email: lancekoonce@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | **New York** | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

McCauley, Carla

From: Koonce, Lance
Sent: Tuesday, June 16, 2015 1:17 PM
To: francis@ryulaw.com
Cc: McCauley, Carla
Subject: RE: Ex Parte Motion to extend time

Francis:

Sorry, just a quick correction to the below – we will be seeking 60 days, not 45. Let me know ASAP if you oppose.

Any word from your client on sales information? And, can we set a Rule 26(f) conference?

Best,

Lance

From: Koonce, Lance
Sent: Tuesday, June 16, 2015 1:34 PM
To: francis@ryulaw.com
Subject: Ex Parte Motion to extend time

Francis:

Thank you for agreeing to Plaintiffs' proposed stipulation allowing Plaintiffs to conduct discovery of third parties prior to the Rule 26(f) meet and confer of the parties.

As you may be aware, the Court has ordered Plaintiffs to file a Motion for Default Judgment as to Defendants Create New Technology (HK) Limited and Hua Yang International Technology Limited not later than July 6, 2015. In light of Plaintiffs' need to take third party discovery prior to that deadline, we intend to file an ex parte application for an extension of time of the filing deadline by 45 days, or to August 20, 2015.

Please let us know if you intend to oppose Plaintiffs' ex parte for an extension of time of this deadline, or if you will not be opposing, so that we may advise the Court accordingly. Please note that if you wish to oppose the ex parte, oppositions must be filed within 24 hours of service of the ex parte according to Judge Morrow's procedures.

Thank you for your cooperation.

Regards,
Lance

Lance Koonce | Davis Wright Tremaine LLP
1633 Broadway, 27th Floor | New York, NY 10019
Tel: (212) 603-6467 | Fax: (212) 379-5207
Email: lancekoonce@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | **New York** | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.